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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/726,247	12/02/2003	John B. Amundson	H0005441-9950 (1161.11371)	3535
128 7590 02/25/2009 HONEYWELL INTERNATIONAL INC. 101 COLUMBIA ROAD P O BOX 2245 MORRISTOWN, NJ 07962-2245			EXAMINER NGUYEN, LE V	
			ART UNIT 2174	PAPER NUMBER
			MAIL DATE 02/25/2009	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte:* JOHN B. AMUNDSON, HEIDI J. FINCH  
and BRENT D. VICK

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Application No. 10/726,247  
Technology Center 2100

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Mailed: 24 February 2009

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Before LAWRENCE J. BANKS *Paralegal Specialist*  
BANKS, *Paralegal Specialist*.

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received by the Board of Patent Appeals and Interferences on 16 December 2008. A review of the application revealed that it is not ready for docketing as an appeal.

Accordingly, the application is herewith being returned to the Examiner to address the following matter(s) requiring attention prior to docketing.

AMENDMENT AFTER FINAL

A review of the file indicates that on 25 February 2008, Appellant filed an Amendment After Final in response to the Final Rejection mailed 23 August 2007. It is not clear whether this Amendment has been considered because an Advisory Action has not been mailed or because box 7 of an Advisory Action fails to indicate whether or not the proposed amendment will or will not be entered for purposes of appeal. Clarification from the Examiner is required.

EXAMINER'S ANSWER, GROUNDS OF REJECTION

A review of the file finds that the grounds of rejection of the claims as provided in the Examiner's Answer mailed 22 July 2008 under the heading "Grounds of rejection" is not consistent with the grounds of rejection of claims set forth in the last Office action of record. The grounds of rejection of the claims as provided in the Examiner's Answer must be consistent with the last Office action of record, including any Advisory action responsive to any after final submissions. Each Grounds of rejection to be reviewed on appeal must be identified and any new grounds of rejection must be provided under a separate heading "New Grounds of

Rejection” in the Examiner’s Answer and must include the approval of the TC Director or his/her designee. *See also Manual of Patent Examining Procedure* (MPEP) § 1207.02 and 1207.03 (8<sup>th</sup> ed. Rev. 6, Sept 2007) for details.

A review of the Examiner’s Answer finds a new Ground(s) of Rejection that has not been provided the required heading “New Grounds of Rejection” and/or which does not include the approval of the TC Director or his/her designee.

Specifically, the Examiner’s Answer did not set forth a rejection of claim 57 as being rejected under 35 U.S.C. § 112, second paragraph; whereas the last Office action, including any mailed Advisory Action(s) finds that claim 57 is rejected under 35 U.S.C. § 112, second paragraph. Correction of all Grounds of rejection for all claims is required.

### CONCLUSION

Accordingly, it is

ORDERED that the application is returned to the Examiner to:

- 1) appropriately respond to the Amendment After Final;
- 2) vacate the Examiner’s Answer mailed 22 July 2008;
- 3) provide a new Examiner’s Answer including a correct “Status of Amendment” section in addition to correction to other sections as required;

4) generate a new Examiner's Answer setting forth the correct Grounds of rejection and to correct other sections of the Answer as may be required;

5) include the approval of the TC Director or his/her designee (as required for any new grounds of rejection); and

6) for such further action as may be appropriate.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

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